

In re Patent Application of:

MONK ET AL.

Serial No. **10/718,546**

Filed: **11/24/2003**

REMARKS

Claims 1 to 12 and 14 to 19 were previously pending in this application.

Claims 1 to 12 and 14 to 19 have been rejected under 35 U.S.C. § 103(a), as being unpatentable over by U.S. Patent Publication No. 2005/0081157 (Clark et al) in view of U.S. Patent Publication No. 2001/0023455 (Maeda et al).

Amendments to Claims

The claims of the application have been amended to overcome the objections of the Examiner and to better define the invention in light of the prior art. In particular, claims 1, 18 and 19 have been amended to clarify that each network analysis device conducts **a plurality of tests** on each of the different segments of a network. Moreover, claims 1, 18 and 19 have been amended to clarify that the results of the tests from the network analysis devices are compiled and displayable: in aggregation, which provides an overall threshold indicator of the health of the links based on **all** of the different tests performed **over time**; and in correlation, which enables individual test results to be illustrated and compared to other similar tests, whereby the causes for the changes in the overall status indicators can be pinpointed. The aggregation is compilation of all of the various different kinds of tests, e.g. jitter, packet loss, utilization, to provide a comprehensive overall status level, e.g. good, getting bad, bad, for each segment of the network at several instances over time, which not only provides the current status, but trends in the status over time. Observing the trends of certain segments enables the technician to predict failures

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before they happen, and fix minor problems before they become major problems.

The Clark et al reference discloses the display of a single status indicator (90g) as an indication of the performance of a single computer based on a single test at a single time, not an indication of overall status thresholds based on a **plurality** of different types of tests at a **plurality** of different times. The Clark et al reference does not disclose or even infer the compilation and display of an overall status indicator, based on several different tests, displayed in a time line at certain time intervals providing not only current status, but changes in status over time. Changes in status over time provide an important indicator for technicians to illustrate when certain problems occur, which help determine why those problems occurred.

The plurality of different tests is also individually displayed in correlation to similar tests at the different segments, enabling the technician to easily identify when, where and why the changes in status took place. Accordingly, a technician can easily view and determine simultaneously, from a single screen, if a path between locations in the network is operating within standards, which segments of the path are not performing up to standards, how badly each segment is and has **been** performing over time, and then determine exactly what test measurement (where and when) is causing the poor performance.

Reconsideration of the patentability of the claims in view of the above amendments and accompanying arguments is hereby respectfully requested.

Should any minor informalities need to be addressed, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

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Respectfully submitted,

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